

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

ALETHEA M. SARGENT (CABN 288222)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
alethea.sargent@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVAUGHN SARMIENTO, LORENZO
SARMIENTO, AND RAY'MON SIMON,

Defendants.

) NO. CR 4:23-237 HSG

) **STIPULATION TO EXCLUDE TIME FROM**
) **OCTOBER 18, 2023, TO JANUARY 10, 2024**
) **AND ORDER**

It is hereby stipulated by and between counsel for the United States and counsel for the defendants Devaughn Sarmiento, Lorenzo Sarmiento, and Ray'mon Simon, that time be excluded under the Speedy Trial Act from October 18, 2023, through January 10, 2024.

At the status conference held on October 18, 2023, the government and counsel for the defendants agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery already produced. For this reason and as further stated on the record at the status conference, the parties stipulate and agree that excluding time until January 10, 2024, will allow for the effective preparation of counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding

the time from October 18, 2023, through January 10, 2024, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The undersigned Assistant United States Attorney certifies that she has obtained approval from counsel for the defendants to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: 10/18/23

/s/
ALETHEA M. SARGENT
Assistant United States Attorney

DATED: 10/18/23

/s/
JOYCE LEAVITT
Counsel for Defendant Devaughn Sarmiento

DATED: 10/18/23

/s/
GAIL SHIFMAN
Counsel for Defendant Lorenzo Sarmiento

DATED: 10/18/23

/s/
JAMES THOMSON
Counsel for Defendant Ray'mon Simon


ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court on October 18, 2023, and for good cause shown, the Court finds that failing to exclude the time from October 18, 2023, through January 10, 2024, would unreasonably deny defense counsel and the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from October 18, 2023, to January 10, 2024, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from October 18, 2023,

1 through January 10, 2024, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
2 3161(h)(7)(A), (B)(iv).

3 IT IS SO ORDERED.

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5 DATED: 10/19/2023


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge